

1/15 Jan 23

Ct 43

THE  
T R I A L  
OF  
Emanuel Jacoma, *a Greek*,  
BEFORE  
Mr. JUSTICE BULLER,  
AND  
A SPECIAL JURY,  
IN THE  
COURT of KING'S BENCH,  
FOR WILFULLY  
SETTING FIRE TO HIS HOUSE,  
IN ORDER  
TO DEFRAUD the PHOENIX INSURANCE OFFICE  
OF  
SIX HUNDRED and FIFTY POUNDS.

---

L O N D O N :  
SOLD by G. KEARSLEY, No. 46, FLEET STREET.  
M D C C LXXXVI.  
[ PRICE ONE SHILLING. ]

56 5/6

THE  
DIRECTOR  
OF THE  
FIRE OF NEW YORK

AND ALL OTHERS

INSURANCE OFFICES

Rec. Jan. 19, 1906.

UPON a presumption that such an ex-  
hibition of the consequences as well  
the ready detection of practices, to in-  
terests of yours, and of all  
Companies, and to the general inter-  
ests of the public, must operate as a  
deterrent to the commission of such  
acts, and to the detection of such acts,  
the Board of Fire Commissioners, in  
the exercise of their powers, have  
the honor to inform you that they  
have caused to be published and  
distributed to all the Fire Insurance  
Companies in the City of New York,  
a copy of the following resolution, which  
was adopted by the Board of Fire  
Commissioners, at their meeting held  
on the 14th day of January, 1906.

[The Board of Fire Commissioners]

TO THE  
DIRECTORS  
OF THE  
PHOENIX  
AND ALL OTHER  
INSURANCE OFFICES.

---

UPON a presumption that such an exhibition of the consequences as well as of the ready detection of practices, so injurious to the interests of yours, and of all Insuring Companies, and to the general security of society at large, must operate as a warning to deter others from the commission of similar offences, the editor is induced to take the liberty of presenting the subsequent pages to your notice.

THE  
R  
A  
I  
T  
O  
R  
S



---

---

T H E  
T R I A L  
O F

The KING against *Emanuel Jacoma*,

Tried at *Nisi Prius* the Sittings after *Trinity Term*, 26  
Geo. III. at *Westminster*, before Mr. Justice BULLER,  
and a special Jury, on *Thursday, July 13th, 1786.*

MR. GARROW opened the indictment, which stated that the defendant did, on the morning of the 2d of March last, set fire to his house, the Red-cross in Smithfield, in order to defraud the Phoenix Assurance-Company.

Mr. BEARCROFT opened the case, which he observed, was a very plain one, and one that would be very fully proved. The defendant who is a Greek, some time since insured ~~and~~ at the prosecutors office, for the sum of six hundred and fifty pounds, pretending that was the value of his property; which he would prove, were worth nothing like the sum. On the morning of the fire, his neighbours spoke to him, and told him, his house was on fire; but he would not believe them, declaring it was not, when one of them saw him spread a great coat, which he had on, in order to

A

hide

hide the fire, which was burning in the room behind him. When he came to make his claim, the Company examined him, touching the fire, when he told them, that he was first waked by a dog scratching at his door, and he, knowing the dog to be a sagacious animal, got up and opened the door, when the dog came in, and his room was filled with smoke; that he soon perceived his house to be on fire, when he tied some sheets together, and let his wife out, then he threw the dog out, and afterwards jumped himself into the street; having previously thrown two beds out. The Chairman of the Company asked him where he got the other bed? when he replied, from the back room, which struck them, that the defendant was telling an untruth, and they stopped paying him, till they made some enquiries, when they found that the house was supposed (by the neighbours) to have been set on fire by him. He then told them the nature of the evidence, he intended to produce, which after they had heard, he dared say, they would not have the least reason to doubt of the defendant's guilt.

#### EVIDENCE for the CROWN.

*Mr. PHIPPS sworn; examined by Mr. Erskine.*

**Q.** You are clerk to the Phoenix Company Assurance-office?

**A.** Yes, Sir.

**Q.** Do you remember when the defendant came to your office to order a policy of insurance to be made out?

**A.** On the 28th of April, 1784; I took his directions myself, he gave directions for six hundred and fifty pounds

to

to be put in the policy ; on the 28th of September we made the insurance.

Q. Was you present when the defendant made his claim ?

A. I was ; it was on the 8th of March 1786, about two o'clock.

Q. Was he examined at the office ?

A. Yes, Sir ; I took notes of his examination. [*Notes read.*] Wherein the defendant is said to have stated, " that himself and his wife slept on the first floor, and " usually went to bed at eleven o'clock ; that about two " o'clock, on the morning of the fire, he heard a New- " foundland dog of his making a noise at his door ; that " he immediately got up, and opened the door, when the " dog rushed in, and there was a great deal of smoke in the " room ; that he then let down his wife in some sheets " into the street, threw out the dog, and jumped out of " the window himself ; that he and his wife were the on- " ly persons in the house at the time of the fire ; that " he had seven beds in the house, which were apprais- " ed from the last tenant ; that after his wife left the " house, she went to a friend's house in Petticoat-lane ; " and that they kept one servant, which was hired by the " week, and who slept at her mother's."

Q. Did you send a surveyor to survey this house ?

A. Yes, Sir.

GEORGE FOSS sworn ; examined by Mr. Silvester.

Q. Are you clerk to the prosecutors ?

A. Yes, Sir ; I was there when the defendant made his claim at the office. [*Produced and read, amounting to*

*six hundred and twenty-seven pounds, twelve shillings.]*  
He afterwards made a second claim, which Mr. Phipps received.

MR. PHIPPS *called again.*

Q. You received the second claim I believe?

A. Yes, Sir; on the 13th of March, amounting to eight pounds, seventeen shillings, and sixpence.

Q. When he applied at the office on the 8th of March, did he want any money?

A. Yes, Sir; and we made no objections to pay him.

ANTHONY HILLIER *sworn; examined by Mr. Garrow.*

Q. Are you messenger to the Phoenix Assurance Fire-office?

A. Yes, Sir.

Q. Did you ever deliver this policy to any body?

A. On the 11th of November, 1784, I delivered it to the defendant's wife.

— NEWMAN *sworn; examined by Mr. Bearcroft.*

Q. Was you present when the defendant was examined before the Magistrate?

A. Yes, Sir, and took notes in short-hand of what he said.

[*Notes produced and read, when the defendant said the same as before the prosecutors; only adding, that he had been burnt out of a house before.*]

GEORGE DIXON *sworn; examined by Mr. Erskine.*

Q. What are you?

A. A



A. A broker.

Q. Do you know the defendant ?

A. Yes ; I sold him the lease of the house that was burnt, for one hundred and forty-four pounds ; and for all the goods and fixtures he gave me fifty-four pounds ten shillings.

Q. Can you tell us what he gave for the goods ; and what for the fixtures ?

A. I cannot divide them.

Q. How long had the lease to run ?

A. Seventeen years.

*Cross-examined by Mr. Bower.*

Q. Was it seventeen or twenty-seven years, Mr. Dixon ?

A. I think it was twenty-seven.

Q. Pray do not you deal in coals, besides being a broker ?

A. I do, Sir.

Q. Did you know the defendant before he took this lease of you ?

A. No, never. I sold him five chaldron of coals upon his coming into the house, and did him all the service I could.

Did you serve him with coals between Michaelmas and Christmas, 1784 ?

A. Yes, Sir ; but he never had any coals after Christmas ?

Q. Did you after that time go to his house often ?

A. I used it as usual for a month or two, when I desisted, and I don't know whether I have been five times from that time to this.

Q. Pray

Q. Pray had not you a quarrel with him ?

A. Since this last Christmas I had ; but before the accident happened, I never hurt him myself, nor never did any thing in order to incommode him.

Q. Pray did not you desire the watchman not to call him as he went his round ?

A. I did, because he used to wake all the neighbours in the morning by calling him.

Mr. FLYDE sworn ; examined by Mr. Sylvester.

Q. I believe you have a lease of this ground rent ?

A. I have.

Q. How many years has it to run ?

A. Forty.

Q. Did you apply to the office, and desire them not to pay the defendant ?

A. Yes, Sir.

SARAH MARSHALL sworn ; examined by Mr. Garrow.

Q. How long did you live with the defendant ?

A. Seven weeks, as a servant ; I was there at the Christmas, and till about three weeks before the fire happened, when I left him : I did every thing that was wanted in the house.

Q. What furniture had he ?

A. Six chairs, two tables, [*and run over an inventory of things, of which there were but few of a sort*] there were three beds up one pair of stairs, two of them were turn-up beds, and the other was a common deal bureau bedstead : there were two chairs, a bath stove, and other things on that floor.

Q. Did you ever see any plate ?

A. I

A. I never saw but two silver tea spoons : there was a dinner at Christmas, and I then only saw the two tea spoons ; the spoons they used at the dinner were pewter.

Q. Was the pepper-box silver ?

A. No, tin. There was nothing but those two tea spoons. There was a room called the club-room that I never was in.

Q. How many china bowls do you think there were ?

A. There might be a dozen of them, and some glasses.

Q. Did the defendant or his wife dress well ?

A. I never saw him in very good clothes, and I never saw his wife but in one linen gown, and two bed gowns, which had been made out of an old gown ; she had one muslin apron, and one hat.

*Cross-examined by Mr. Bower.*

Q. Was not you chair-woman ?

A. Yes, Sir.

Q. Then how came you up stairs ?

A. I went up stairs many times for my mistress, there was no other servant but me at that time ; I made the beds.

Q. Pray who applied to you to come and give evidence ?

A. The attorney.

Q. And so did Mr. Dixon, did not he ?

A. Yes, Sir.

Q. Did they both run over with you the inventory of these things ?

A. Yes, Sir.

Q. How often have you seen Mr. Dixon about it ?

A. Twice or three times.

ANNE WHITE sworn; examined by Mr. Bearcroft.

Q. Will you tell us what you know of this matter, Madam?

A. I was up early on the morning of the fire, as I was going to Gravend; about half past two, as I passed the door of the defendant, I heard a cracking, and there was a smell of fire; I called to the watchman, there was the patrol and watchman in the street; I staid till the watchman came, who knocked at the door, and the defendant threw something out of the window.

Q. Did you see any woman thrown out?

A. No, Sir; the watchman knocked at the door five or six minutes before any person came to the window.

Q. Did you see a dog thrown out?

A. No, there was no such thing thrown out; there was a bed or blanket thrown out.

JACOB BRACKALL sworn; examined by Mr. Erskine.

Q. You are watchman?

A. Yes, Sir, to all that precinct.

Q. Inform my Lord and the Jury what you know of this matter.

A. On Thursday morning, the 2d of March, the defendant's house was on fire; I was just returned from calling two o'clock, there was a woman at the door, who called me, and I called out twice "what is the matter in the house?" and a man came to a window, and said, "what do you fancy the house is on fire?" I knocked several times before any body came to the window, the other people had got to the door before I came there; there were people standing about the house, five or six minutes before they opened the window; the man that  
came



came to the window was on the first pair of stairs : there was either a bed or a blanket thrown out of the window, I saw neither dog nor beast but himself.

Q. Had you any conversation with him ?

A. No, Sir, the patrol staid then.

WILLIAM ROBINSON *sworn ; examined by Mr. Sylvester.*

Q. Do you know the last witness ?

A. Yes, Sir, and I saw him the night of the fire.

Q. What are you ?

A. I am patrol ; my round extends to the house of the defendant : hearing of the fire, I turned up to the house to give assistance ; when I went up to the house, after the last witness had left the door, I spoke to the defendant, and asked him why he did not open the door, when he said, he had lost the key. There was a man belonging to some of the fire-offices there ; the defendant was standing and handing chairs out of the window very deliberately ; I asked him why he did not let himself out, and soon afterwards I saw him let himself down with a rope. I took his goods to an alley on the other side of the way, and at the same time asked him if there was any body else in the house, besides himself ; when he said no : I know there was not a soul came out of the house but him.

Q. Was the last witness there when you went up ?

A. Yes, Sir.

Q. Did you see a dog at any time, and when ?

A. About a quarter before two o'clock, I saw a large black and white dog, playing with my dog.

Q. Did he say any thing about his wife ?

A. No, Sir, nor any body else ; he said he did not know his house was on fire.

B

Q. What

Q. What size was the rope that he let himself down with?

A. It was an half-inch rope, I do not know where it was affixed to, it was strong enough to let any man down; when I told him to jump out, he said he would not jump, but he would let himself out with a rope; he drew his great coat off; the window was about fifteen feet high, it was a sash window; when I had taken the defendant and his goods to the alley, I went to the cheesemonger's to help him.

*Cross-examined by Mr. Bower.*

Q. How long have you been patrol?

A. About seven or eight months.

Q. When was you in confinement?

A. Some time since, for about three weeks; I was taken up wrongfully, and discharged: the parish thought that I was not to blame, and reinstated me in my office.

Q. What was it for?

A. I was in company with a man who was charged with a burglary.

—— TAYLOR sworn; examined by Mr. Garrow.

Q. Tell us what you know.

A. I heard the watchman say, your house is on fire; when the defendant answered, there is no fire, no fire: I got up, and went to the house; I was next door but one: I don't know who said, no fire. The people said there was a fire, when he said, you lie, there is no fire.

—— TATEM sworn; examined by Mr. Bearcroft.

Q. Where do you live?

A. Next

A. Next door to the defendant's house that was burnt. I heard the watchman say, your house is on fire ; when the defendant was standing at the window, and said, you lie, there is no fire ; the defendant was standing at the window, with his shirt on, my wife asked him if there was a fire, when he said there was no such thing. There were some things thrown out of the window.

Q. Pray how long have you known the defendant ?

A. About nine months past.

Q. Do you not owe the defendant money.

A. Since the fire he has reported that I owe him a great deal of money, which is not the fact.

ANNE TATEM *sworn ; examined by Mr. Sylvester.*

Q. What do you know of this ?

A. Being alarmed by the fire, I looked out of the window, and saw the defendant looking out of his window, and I asked him where was the fire ? he answered, there was no fire ; and soon after he said so, his house burst out all in a blaze ; I smelt it long before.

Mr. DIXON *called again.*

Q. Where do you live ?

A. Directly opposite to the defendant's house : he appeared to me to be quite dressed ; I called out, and asked him, if his house was on fire ; he said there was no fire : my wife said, for God's sake, tell us if there is a fire ; he said there was no fire.

Q. Did you see any woman put down ?

A. No, Sir. In less than ten minutes after I had spoke to him, the house was in a blaze.

B 2

Q. Could

Q. Could a man be in the house without knowing the house was on fire ?

A. No, I think it was impossible.

ELIZABETH DIXON *sworn ; examined by Mr. Garrow.*

Q. You are the last witness's wife, are you not ?

A. Yes, Sir.

Q. Will you tell us what you know about this fire ?

A. I saw the defendant standing at the window with a great coat on, and seemed dressed ; I said to him, Mr. Jacoma, is the fire in your house ? when he made no answer. I asked him a second time ; Mrs. Tatem asked him if there was a fire ; he said, no fire in my house, no fire in my house ; but at last he said it was in a back warehouse.

Q. Did you see him when he said, no fire ?

A. Yes, Sir, and I saw a blaze behind him in the same room that he was in ; there were two great cracks like gun-powder, and it was down in a quarter of an hour.

Q. Do you think any person could have been in the house without knowing it was on fire.

A. I think he must have known it.

Q. Did you see him throw any thing out of the window.

A. No, Sir, but there might have been something thrown out which I did not see.

— SERJEANT *sworn ; examined by Mr. Bescroft.*

Q. You are a watchman, I believe ?

A. Yes, Sir ; my round extends to the defendant's house.

Q. Was you on duty the 2d of March ?

A. Yes,



A. Yes, Sir. About one o'clock in the morning, I saw a large Newfoundland dog, I was surprised to see him, because his master used to be generally whistling for him, to get him home : about a quarter of an hour afterwards, I saw him again.

Q. What might be the time when you saw the dog the second time ?

A. It was about half an hour past one.

Q. Are you sure it was his dog ?

A. Yes, Sir, I am sure ; when I was there he said the oil shop was on fire, and his house was not on fire.

— BODIE proved all the proprietors names that belonged to the Phoenix Insurance-office.

*On the part of the defendant,*

Mr. BOWER said, that the crime which his client stood charged with, was a very enormous crime, but he hoped the Jury would think that the greater the crime, the stronger the evidence ought to be, upon which they would convict him. Men are not often wicked, for the sake of wickedness : He trusted they would think, that if he had no interest in doing this, that he had not committed the crime laid to his charge. The defence which he meant to set up was, to shew that the furniture in this house was of great value, and of the value which he insured ; he said, he thought there were great contradictions in the evidence given on the part of the Crown ; for they proved that the defendant when he was handing out his goods, and letting himself down into the street with a rope, kept saying the house was not on fire, which he was clearly doing to avoid the fire ; and if that was true, he could only account for it, by saying, that when a man finds his house on fire, he does  
not

not know what he says. To be sure the defendant has been guilty of telling a story ; but the Jury would not convict him of so heinous an offence, as that with which he was charged, for so small a one. There will be evidence called, to shew, that he had wearing apparel, and plate, more than what was insured, and his stock in trade as much as he insured ; the insurance was made a year and half before the fire happened, which with the lease, for which the witnesses already called had proved he gave one hundred and forty-four pounds, and the fixtures, which had likewise been proved by them to amount to fifty-four pounds ; he would be able to prove that the defendant would have received no interest.

#### EVIDENCE for the DEFENDANT.

JOHN SHEROLD *sworn ; examined by Mr. Fielding.*

Q. You know the defendant ?

A. Yes, Sir ; I knew him when he bought the lease of those premises which were burnt down.

Q. Did he purchase any goods of you, and to what amount ?

A. He purchased goods to the amount of twenty-eight pounds, nine shillings, I do not know whether he purchased any other goods.

Q. Was you ever in the upper part of his house ?

A. No, but I have been on the ground floor, which was very decently furnished ; it was like a decent publick house.

Q. What did he buy of you ?

A. Beds, chairs, and other things.

Q. Were

Q. Were any of those things that he bought of you saved?

A. Yes, some of them.

JAMES PELLEY *sworn ; examined by Mr. Bower.*

Q. What are you?

A. A carpenter.

Q. Was you ever employed by the defendant when he first went into the house?

A. Yes, he laid out eighteen pounds odd in making additions to the house.

JOHN SMITH *sworn ; examined by Mr. Fielding.*

Q. Was you ever employed by the defendant when he first went into the house, about that house?

A. Yes, he paid me about forty shillings for what I did.

*Cross-examined by Mr. Bearcroft.*

Q. Did you get up at this fire?

A. Yes, Sir, I did ; I went to it and saw the defendant who seemed to me to be dressed ; he had got something round his hand like a handkerchief.

Q. Was you ever in his house?

A. I was there rather often.

Q. What goods did you see there?

A. There were no great matters below stairs ; about five pounds worth.

Q. I suppose when he came, there was a broad wheel waggon filled with goods?

A. No, Sir, it was a small cart brought the goods ; what there

there were seemed to be very good mahogany, there were chairs, a Bath stove, and some other things.

Q. Did you ever see any plate?

A. I never saw any thing but a silver tea spoon, which his wife took out of her pocket to stir what I had, and then put it up again.

JAMES BRUCE POWELL *sworn; examined by*  
*Mr. Bower.*

Q. Do you know the defendant?

A. I do; I served him with liquors: on the day before the fire, he had twelve butts and an half, worth about fifty-four pounds; casks and all, worth about seventy pounds.

Q. Did he always pay you?

A. I never received money with greater pleasure than I did of him.

Q. What character did he seem to bear?

A. He seemed to me to be a very honest man, he always paid his way.

Q. Did he seem distressed?

A. Not at all; he always paid me very well.

*Cross-examined by Mr. Bearcroft.*

Q. Pray can you take upon yourself to say, that there were twelve butts and an half, in his cellar, at the time of the fire?

A. I cannot.

Q. How much did he owe you at that time?

A. Fifty-two pounds, and casks, which he has had since he paid me.

Q. Pray how long is it since he paid you?

A. About



A. About a month ago.

Q. Pray did not you treat the first grand jury, to whom this bill of indictment was preferred, and who threw it out.

A. No, Sir.

Q. Will you swear that you neither spoke to them, nor treated them with a dinner or supper?

A. I will swear that I did neither.

JOHN JONES sworn; examined by Mr. Fielding.

Q. Pray what are you?

A. Clerk to Mr. Woodham, who served the defendant with spirituous liquors.

Q. What quantity had the defendant?

A. About twenty pounds worth.

Q. Can you take upon yourself to say that he had twenty pounds worth in his house at the time of the fire?

A. No, I cannot.

CHARRINGTON sworn; examined by Mr. Bower.

Q. What are you?

A. An ale brewer.

Q. Did you know the defendant?

A. Yes, Sir; I served him with ale, he had in, about a fortnight before the fire, seven or eight pounds worth.

THOMAS BROWN sworn; examined by Mr. Fielding.

Q. What are you?

A. Clerk to Mr. Bourn, a banker.

Q. Do you know the defendant?

A, Yes, Sir.

C

Q. What

Q. What character does he bear ?

A. That of a very worthy well behaved man ; he kept cash at our house.

MARY THOMAS *sworn; examined by Mr. Bower.*

Q. You lived servant to the defendant, I believe ?

A. Yes, Sir ; I lived with him at the time of the fire, and about seven weeks before.

Q. Did you sleep in the house ?

A. No, Sir, I did not, because my father was blind, and my mother wished me to sleep at home.

Q. Do you remember the time of the fire ?

A. Yes, Sir.

Q. Were any things removed from the defendant's house before the fire ?

A. No.

Q. Will you tell us what furniture your master had in his house ?

[*Here she went over a long account of goods in every room in the house, and said there were much more than the witness Marshall had spoke to.*]

Q. Pray had your master and mistress many clothes ?

A. I have washed a dozen and an half of aprons belonging to my mistress at one wash ; she had many good gowns ; my master had three or four good coats, and they both had good linen.

Q. How often did you wash ?

A. Once a fortnight.

Q. Then how comes it that she should have so many aprons dirty ?

A. She sometimes let me wear them for her.

Q. Had

Q. Had your master any plate?

A. There were eighteen silver spoons, there were a dozen of tea china, punch bowls, and many glasses.

*Cross-examined by Mr. Erskine.*

Q. How often did it happen that there was eighteen aprons at a time in the wash?

A. It only happened once.

Q. Did you ever say that you was carried home by two men out of the fire at the hazard of your life?

A. I never said so.

Q. Where did your master sleep?

A. In the front room.

Q. Did he sleep there all the seven weeks that you were there?

A. All the last time I was there he slept there.

Q. Did you make his bed the night before the fire?

A. I did by candle-light.

Q. Did not your mistress carry a tea spoon in her pocket?

A. She did.

[*Here her examination before the Magistrate was read, when she swore that she laid there every night, and likewise that she was never in the back room; and what she said at the office was read, which corroborated her evidence given before the Magistrate.*]

Q. Why did you say so?

A. I meant the first time that I lived with him.

*Mr. Dixon called again.*

Q. Did you ever speak to the last witness about the fire?

A. The

A. The day after it happened, I asked her how she got out, when she said, she did not know, but that she was carried by two men at the risk of her life.

Q. Did you ever say you would do for the defendant now?

A. Never.

Mr. SMITH *called again.*

Q. Was you present when the conversation passed between the two last witnesses?

A. I was.

Q. Did the girl state what the last witness said?

A. Yes.

Mr. BEARCROFT made no reply; but

Mr. J. BULLER summed up, and after stating to the Jury the evidence, left it to them to say whether the defendant did this charge imputed to him or not.

The Jury without leaving Court delivered their verdict

GUILTY.

*E. A. B. P.*

*1/17/08.*